

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jonathan McPhee

v.

Civil No. 18-cv-322-LM

Symphony New Hampshire

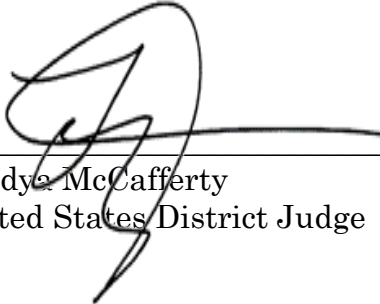
**ORDER ON JURY SELECTION**

Jury selection in the above-captioned matter will be conducted as follows:

1. **Size of Jury:** Ten jurors will be seated. Barring excusal pursuant to Rule 47(c), all jurors shall participate in the verdict. The verdict shall be unanimous and no verdict shall be taken from the jury if its number is reduced to fewer than **six** members unless the parties agree otherwise, which agreement would be subject to court approval.
2. **Standard voir dire:** Once the jury venire is seated in the courtroom, the court will briefly describe the case, have counsel introduce themselves and their clients, read the names of potential witnesses, and ask the court's "standard" voir dire questions as may be supplemented upon request of the parties.
3. **Random selection and initial excusals for cause:** Prior to jury selection, the court will randomly sort the jurors scheduled to appear into a jury selection list. Upon completion of the voir dire, the deputy clerk will call the first juror forward to approach the sidebar microphone and announce whether the juror needs to speak with the judge or answered "yes" to any of the questions. If necessary, the juror will approach side bar for examination by the court, counsel, and potential challenge for cause by counsel. If the juror is found qualified (that is, not excused for cause), the juror will be taken to a separate courtroom until the attorneys are ready to exercise peremptory challenges, at which time all qualified jurors will be brought back into the main courtroom. If the juror is excused for cause, the deputy clerk will call the next juror on the jury selection list forward and announce whether or not they need to speak with the judge. This process will continue until there are eight qualified jurors.

4. **Peremptory challenges:** After all requests for excusal for cause have been addressed, counsel may then exercise their peremptory challenges against the qualified panel. Each **party** is entitled to **three** peremptory challenges.
5. **Empanel the Jury:** After the peremptory challenges, the Deputy Clerk will empanel the necessary number of jurors, **in this case, ten**, and will excuse the remainder of the jury venire.

SO ORDERED.



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Landye McCafferty  
United States District Judge

September 10, 2021

cc: Counsel of Record.